

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

DINA CAPITANI,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	Case No. 3:19-cv-00120
	)	
WORLD OF MINIATURE BEARS, INC.,	)	<b>JURY DEMAND</b>
et al.	)	
	)	Judge Crenshaw
Defendants/Counter-Plaintiffs.	)	Magistrate Judge Frensley

**PLAINTIFF/COUNTER-DEFENDANT DINA CAPITANI'S  
MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS**

Plaintiff/Counter-Defendant Dina Capitani ("Plaintiff"), pursuant to Fed. R. Civ. P. 56, hereby moves the Court for summary judgment in her favor against Defendants. As grounds for this Motion, Plaintiff states that:

1. Defendants have engaged in the commercial exploitation of the Plaintiff's copyrighted works, Doggie Doodles by Dina Volume II" ("Doggie Doodles"), when Defendants engaged in the advertising, display, distribution and sale of unlicensed products bearing images of Doggie Doodles; and,

2. Defendants have engaged in willful copyright infringement by willfully or recklessly failing to secure a license to sell products bearing images of Doggie Doodles.

As relief, Plaintiff respectfully requests the following:

1. A finding that Defendants willfully infringed upon Plaintiff's copyrighted works;

2. An award of statutory damages, as authorized by 17 U.S.C. § 504(c), in a just amount to be determined by the Court, for Defendants willfully infringing upon each of Plaintiff's 26 copyrighted images from Doggie Doodles;

3. A permanent injunction, as provided by 17 U.S.C. § 502, that prohibits Defendants, and their employees, agents, and anyone working in concert with them, from infringing in any manner whatsoever on Plaintiff's copyrighted works;

4. In lieu of requiring Defendants to destroy the Infringing Products, that the Court order Defendants to ship, at their expense, the Infringing Products to Plaintiff so that she may add her logo to the Infringing Products (which had been illegally removed) before selling them herself;

5. An award of all costs incurred in this action by Plaintiffs, including reasonable attorney's fees, as provided by 17 U.S.C. § 505; and

6. All other relief as this Court deems just and proper.

In support of this Motion, Plaintiff relies upon the contemporaneously filed 1) Memorandum of Law and accompanying exhibits, and 2) Statement of Undisputed Material Facts.

WHEREFORE, Plaintiff respectfully requests that the Court grant this motion and enter summary judgment in favor of Plaintiff as outlined above.

Respectfully submitted by:

DICKINSON WRIGHT PLLC

/s/ Autumn L. Gentry  
Autumn L. Gentry, #20766  
Joshua L. Burgener #29077  
424 Church Street, Suite 800  
Nashville, Tennessee 37219  
Phone: (615) 244-6538  
Fax: (844) 670-6009  
[agency@dickinsonwright.com](mailto:agency@dickinsonwright.com)  
[jburgener@dickinsonwright.com](mailto:jburgener@dickinsonwright.com)

Counsel for Plaintiff/Counter-Defendant,  
Dina Capitani

**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2020, a true and exact copy of the foregoing has been served on the following via the Court's electronic filing system:

John A. Beam, III  
Desireé J.C. Goff  
Equitus Law Alliance PLLC  
709 Taylor Street  
P.O. Box 280240  
Nashville, TN 37228  
[beam@equituslaw.com](mailto:beam@equituslaw.com)  
[goff@equituslaw.com](mailto:goff@equituslaw.com)

/s/ Autumn L. Gentry  
Autumn L. Gentry

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